



Security Council

Distr.
GENERAL

S/1997/679
3 September 1997
ENGLISH
ORIGINAL: ARABIC

LETTER DATED 1 SEPTEMBER 1997 FROM THE CHARGE D'AFFAIRES A.I. OF
THE PERMANENT MISSION OF IRAQ TO THE UNITED NATIONS ADDRESSED TO
THE SECRETARY-GENERAL

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 31 August 1997 addressed to you by Mr. Mohammed Said Al-Sahaf, Minister for Foreign Affairs of the Republic of Iraq, calling attention to information to the effect that British soldiers killed Iraqi prisoners of war in the 1991 Gulf war and requesting your intervention with the Government of the United Kingdom in order to urge it to publish all the details of this crime and institute the necessary legal proceedings against the perpetrators.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Saeed H. HASAN
Chargé d'affaires a.i.



Annex

Letter dated 31 August 1997 from the Minister for Foreign Affairs
of Iraq addressed to the Secretary-General

I have the honour to refer to the report published by the British newspaper The Sunday Times in its issue for 17 August 1997 in which it reveals that British soldiers killed Iraqi prisoners of war in the 1991 Gulf war. The newspaper gives details of the crime, stating that the British soldiers who perpetrated it belonged to the Royal Highland Fusiliers and that the British authorities are pursuing their investigations on the basis of definite evidence in their possession concerning the killing of captive Iraqi soldiers in order to uncover the circumstances of the crime.

The murder of Iraqi prisoners constitutes a heinous crime and a grave breach of international humanitarian law, particularly the 1949 Geneva Convention relative to the Treatment of Prisoners of War. The crime undermines the foundations of international humanitarian law given that it was committed by a State that is a permanent member of the Security Council, was a participant in the travaux préparatoires for the 1949 Geneva Conventions and is a party to those Conventions.

The Government of the United Kingdom bears international responsibility for violating its international commitments. The British soldiers who committed the crime are under the responsibility of that Government, and it is answerable for acts committed by them in violation of international law over and above the criminal responsibility of the soldiers themselves.

In placing before you the facts concerning a heinous crime committed against our prisoners, I request you to intervene with the Government of the United Kingdom in order to urge it to publish all the details of the crime and institute the necessary legal proceedings against the perpetrators.

I should be grateful if you would have this letter and its enclosures circulated as a document of the Security Council.

(Signed) Mohammed Said AL-SAHAF
Minister for Foreign Affairs
of the Republic of Iraq

INSIGHT

Fusiliers accused of shooting prisoners at Gulf war camp

THE Ministry of Defence (MoD) is investigating allegations that British troops shot dead seven Iraqi prisoners captured during the Gulf war.

Detectives on the war crimes inquiry are examining the alleged killings of Iraqi prisoners of war in 1991 at a British-controlled holding centre near the Iraqi border. The soldiers at the centre of the inquiry belonged to the Royal Highland Fusiliers.

The Sunday Times Insight team has interviewed more than a dozen serving and former members of the regiment, and other army medical and legal personnel about the incident. Their evidence, which Insight accepts is circumstantial, suggests that the alleged killings occurred at the Maryhill PoW camp, built and run by the fusiliers near the town of Hafir al-Batin in northern Saudi Arabia.

Two former medical aides who served during the Gulf war said last week they wished to give statements to MoD police about the alleged killings.

Detectives from the army's special investigation branch (SIB) at Catterick camp near York have interviewed dozens of fusiliers who served in the Gulf, asking for details of sightings of dead Iraqi PoWs. It is not known whether they have any first-hand accounts.

Colin Purcell-Lee, a psychiatric nurse with the Royal Army Medical Corps, described how he had counselled a Scottish soldier who said he had shot prisoners.

"This man started to relate his own activities and those of his unit and he became very animated and loud. He told me: 'While we were guarding the Iraqi PoWs we had to strip-search them. Several of them were wearing women's underwear. They told us they had taken these off Kuwaiti women who they had tortured and some of them had photos of the women - and men - being tortured in Kuwait.'" Purcell-Lee continued: "While he was saying this he became very, very animated - shouting and screaming: 'Those that we found with

photographs on them - do you know what we did with them? Well, we took them outside and shot them."

Purcell-Lee said he reported the incident to his superiors. Later he was advised that it would not be in his interests to take the allegations further.

David Howell, a barrister who served with the army legal service in the Gulf, said he had been aware of an official report about the killing of "six or seven" Iraqi PoWs, though the circumstances were reported to be different. Howell was working in a special military unit advising British troops about Geneva Convention rules.

"We received a PoW situation report, which I did not read, indicating that six or seven Iraqis had been shot dead following a riot. I think the PoWs were upset about some of the camp conditions, particularly food they were being given which was against their religious beliefs."

According to the report, Howell said, the Iraqi PoWs were being goaded into a riot by their officers. "Some of the Scots soldiers guarding them fired over the PoWs' heads. Then, fearing for their lives, they shot the PoWs dead."

Howell said he was surprised there had been no official inquiry into the alleged incident which reportedly took place after hundreds of Iraqi Republican Guards were captured during the battle for the border town of Khafji between January 28-31, 1991.

The police have also interviewed Lance Corporal James McShane who served in an R111 reconnaissance platoon. McShane said his unit had been involved in the capture of two PoWs who he was later told had been taken away and shot by American troops. "The SIB major asked me if I knew anything about dead Iraqi prisoners, or if we'd shot any PoWs. They asked where members of my platoon were on certain days and if I had any photographs of dead PoWs," he said.

Raymond Bristow, a theatre operating technician with the Royal Army Medical Corps worked at 32 Field hospital, just over a mile from Maryhill. He said he had assisted a surgical team operating on a wounded Iraqi prisoner.

"He didn't speak English but the interpreter who spoke to him told me he had been beaten about the head and face and shot in the knee by allied troops. He was lucky we were able to save his lower leg."

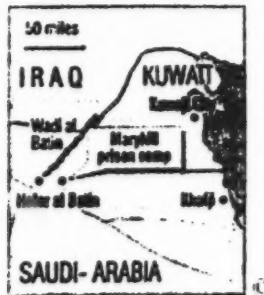
The MoD this weekend confirmed the inquiry: "The police received information from the military community in 1995. They are investigating allegations concerning the shooting dead of seven Iraqi PoWs. Anybody who comes to light as a result of your story who is willing to give a statement to police officers most certainly may do so."

Insight: Jason Burke, David Leppard, Tim Kelsey and Brian Johnson-Thomas

August 17 1997

BRITAIN

INSIGHT



British soldiers accused of war crimes in Gulf

BY WARTIME standards, it was considered the height of comfort. On a strip of flat cold sand in the northeastern Saudi desert, Maryhill was intended to be a model prisoner-of-war camp. Each Iraqi captive could expect three meals a day, a waterproof tent, clothes and blankets to protect against the night chill.

They had a medical check-up and were even given their own copies of the Koran. The camp had portable toilets and shower units - facilities which the Desert Rats themselves did not enjoy.

More than six years after the end of the Gulf war, British officers remain proud of the PoW camp, and shocked that a number of their own soldiers would now allege that some of those prisoners were mistreated and even shot dead by the guards.

Only now are the first conflicting accounts the mystery of Maryhill beginning to emerge. Colin Purcell-Lee, a psychiatric nurse from Tyldesley, Greater Manchester, was part of the Mobile Field Psychiatric Unit which treated British soldiers for battle shock during the Gulf war in 1991. He spent a week at 32 Field Hospital and days after the war ended on February 26 he spoke to a member of the Royal Highland Fusiliers who had been a guard at the Maryhill camp. The soldier, in his early twenties, was clearly distressed by what he had seen, said Purcell-Lee.

His story - that Iraqi prisoners had been taken away and shot after guards discovered photographs and

clothing which suggested they might have been involved in torturing Kuwaiti civilians - was treated with scepticism when Purcell-Lee later told it to his superiors.

Others, including former soldiers, medics and a former legal adviser to the army, have also made claims that fusiliers at Maryhill may have been responsible for serious assaults on Iraqi prisoners.

In confirming that it is actively investigating the alleged shooting and even killing of seven prisoners at the camp in 1991, the Ministry of Defence (MoD) also revealed last week that it had been investigating alleged war crimes at Maryhill since 1995.

It is only the second time in recent years that British troops have been implicated in breaches of the Geneva Convention. Four years ago Scotland Yard detectives visited the Falkland Islands to examine claims by Vincent Bramley, a former paratrooper, that Argentinian PoWs had been executed during the battle to retake the island. Police later announced they had insufficient evidence to press charges against anyone.

From the start of the Gulf war, the allies were committed to ensuring the best possible treatment of Iraqi prisoners; President Saddam Hussein had already provoked international condemnation by using his prisoners as "human shields" and refusing to allow the Red Cross to monitor their health and safety. Allied commanders did not want to be accused of breaching the convention.

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British forces were entrusted with the task of establishing a holding "cage" which would temporarily house Iraqi PoWs before they were transferred to Saudi camps for the duration of the war. More than 1,500 soldiers from the Royal Highland Fusiliers, the King's Own Scottish Borderers and the Coldstream Guards were ordered to Saudi Arabia in January 1991 to build the compound near the airfield of al-Qasumah and the border town of Hafir al-Batin.

It was the fusiliers who named the desert camp Maryhill, after the barracks in Glasgow in which the regiment had once guarded their most famous PoW: Rudolf Hess, Hitler's deputy. And it is the fusiliers who have been accused of mistreating and even killing prisoners.

The camp was a simple prison which held about 8,000 men in tents, bordered on each side by a sand rampart and circled by barbed wire. Watchtowers guarded the perimeter, and there were few concerns about escape.

Early Iraqi deserters confirmed intelligence reports about the condition of Saddam's ground troops: men were malnourished, dehydrated and infected with lice. "Some of the first prisoners captured by special forces were determined and dangerous, but all the PoWs I saw were delighted to be in comfortable accommodation where they had water and food," said Andrew Robathan, now a Tory MP and then chief of staff in charge of the PoW guard force, which managed the camp. Many Iraqi conscripts had been living on little more than two pieces of bread a day in their frontline trenches.

David Howell, legal adviser to the MoD, on assignment in the Gulf, has told The Sunday Times that he knew secondhand of reports of a riot in the

camp which was quelled after "six or seven" prisoners were shot dead. Howell, now a barrister specialising in military trials and courts martial, said: "The report was that there had been a riot of some kind at the PoW camp guarded by the Royal Highland Fusiliers. I think they were upset about the food they were being given, which was contrary to their religious beliefs."

The riot, he said, allegedly flared shortly after the battle for Khafji, the first of the war, when Iraqi forces swiftly invaded the thinly defended coastal town and caught the allies off-guard.

After 36 hours, Saudi and Qatari soldiers, backed by American air power, expelled the invaders. About 400 prisoners were seized, some of whom, according to Howell, were taken to Maryhill. It was after Khafji and the successive night raids on enemy lines by American B52 bombers that the Iraqis, demoralised and desperate, started to surrender by the hundred. In the end, the allies were swamped and took 175,000 captive.

Despite the numbers, Robathan insists, there was no breakdown in order. He said he had never heard any allegations of shootings and did not believe British soldiers might have been guilty of war crimes. "We had no fatalities, no bodies in the camp."

He admitted one incident involving a physical assault by a soldier on a PoW while boarding an RAF helicopter. Robathan said: "I'm sure that some people were not totally gentlemanly the whole time, but we were at war with the Iraqis."
